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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Amendment 1 - Case 1:23 – cv-01822-JRR

Jeffery Battle,
Battle Enterprises, LLC
(Plaintiff)

Complaint for a Civil Case
Case No. 1:23 – cv-01822-JRR
Jury Trial: X Yes ☐ No

-Vs-

Microsoft Corporation
(Defendant)

The Parties to This Complaint A. The Plaintiff (Individual).
8314 Pigeon Fork Ln
Laurel, Maryland, 20724
(301) 613-6104
jefbttl@hotmail.com

The Parties to This Complaint B. The defendant (Organization).
1 Microsoft Way
Redmond, Washington, 98052
(425) 882-8080
buscond@microsoft.com, daniel@bing.com

RE: Amendment 1; additional information; Case (1:23 – cv-01822-JRR) Judge Julie Rebecca Rubin

The purpose of this amendment is to provide additional information, context, and criticism in support of the original complaint alleging Assault, Libel, and Slander.

Specifically, when someone uses Bing to search Plaintiff, Mr. Battle's name "Jeffery Battle", the search engine generates a small blurb at the top of the search results which states:

Jeffery Battle, also known as The Aerospace Professor, is the President and CEO of Battle Enterprises, LLC and its subsidiary The Aerospace Professor Company. He is an honorable discharged U.S. Air Force veteran and has been appointed as an Adjunct Professor for Embry-Riddle Aeronautical University. Battle has a Master of Business Administration in Aviation degree and two Bachelor of Science degrees. ***However, Battle was sentenced to eighteen years in prison after pleading guilty to seditious conspiracy and levying war against the United States. He had two years added to his sentence for refusing to testify before a grand jury.***

This Microsoft (Bing Chat) statement combines details about two separate individuals with related names: (1) Jeffery Battle, who is an honorable discharge veteran, businessman, and adjunct professor, and (2) Jeffrey Leon Battle, who was convicted of attempting to join the Taliban shortly after 9/11. The two individuals don't have anything in frequent apart from their related names. Plaintiff, Mr.

Battle, A.K.A., The Aerospace Professor, **did not** levy war against the United States and pleaded guilty to seditious conspiracy.

This Bing output does not simply record the details about each of the Battles individually, the way in which that search engine outcomes have lengthy listed separate pages individually. Somewhat, it expressly connects the two, with the “However, Battle was sentenced ...” transition, which conveys the message that each one of the details is about one individual. And to Mr. Battle’s information, as represented by Bing, this connection was solely made up of entire material by Bing’s summarization function (which is seemingly based on Microsoft’s Bing Chat) artificial intelligence (AI) function; I do know of no different website that truly makes any such connection (which Plaintiff stress once more is a wholly factually unfounded connection).

Between May and July of 2023, Mr. Battle can substantiate communications and interactions with Microsoft Bing, informing the company of the ongoing issues, however, Microsoft did not promptly repair it. I doubt Microsoft would have 47 U.S.C. § 230 immunity which states that “No supplier or person of an interactive laptop service shall be handled because the writer or speaker of any info offered by *one other* info content material supplier” (emphasis added). “[I]nformation content material supplier” is outlined to cowl “any individual or entity that’s accountable, *in entire or partially*, for the creation or improvement of knowledge offered by means of the Web or every other interactive laptop service” (emphasis added). However, this lawsuit goals to deal with Bing as a writer or speaker of knowledge offered *by itself*.

In spite of everything, the allegedly libelous materials right here are not merely what’s borrowed from different websites (the correct materials about Jeffery Battle and the correct materials about Jeffrey Leon Battle). Somewhat, it is the mixture of the fabric of the two different Battles, in a single paragraph, linked with “However, Battle” Courts have held that § 230 does not immunize defendants who “materially contribut[e] to [the] alleged unlawfulness” of on-line content material. And the allegation right here is that Microsoft Bing did materially contribute to the libelous nature of the content material. The libel would stem from what Bing added (the juxtaposition of the two individuals, along with the word “However” that makes them falsely seem to be they’re about the same identical).

Microsoft Bing continued the same type of activities in other instances. There is alleged negligence on Bing’s behalf and recklessness as to the falsehoods. Mr. Battle has a “Muck Rack” journalist profile and an EIN - Associated Press release “The Aerospace Professor Memoir: His enrollment in a colored...” that are presented on Bing when searching for Plaintiff’s name. The libel would also stem from what Bing added (the juxtaposition of the two individuals, along with the word “Overview” that makes them falsely seem to be they’re about the same identical). And also, the allegation right here is that Microsoft Bing did materially contribute to the libelous nature of the content material. The transition “Overview” conveys the message that each one of the details is about one individual. This connection was solely made up of material from Bing, assumingly, again from its summarization function (which is seemingly based on Microsoft’s Bing Chat) artificial intelligence (AI) function. The false language is presented in two separate instances as follows:

“Jeffery Battle’s Profile / Muck Rack “Overview” Jeffrey Leon Battle was a member of a terrorist group dubbed the Portland Seven, some members of which attempted to travel to Afghanistan shortly after 9/11 in order to aid the Taliban. He refused to cooperate with the government and was sentenced to eighteen

years in prison after pleading guilty to seditious conspiracy and levying war against the United States. He had two years added to his sentence for refusing to testify before a grand jury. Wikipedia...”

“The Aerospace Professor Memoir: His enrollment in a colored... “Overview” Jeffrey Leon Battle was a member of a terrorist group dubbed the Portland Seven, some members of which attempted to travel to Afghanistan shortly after 9/11 in order to aid the Taliban. He refused to cooperate with the government and was sentenced to eighteen years in prison after pleading guilty to seditious conspiracy and levying war against the United States. He had two years added to his sentence for refusing to testify before a grand jury. Wikipedia...”

In addition, when the question is asked using Microsoft Bing’s artificial intelligence “Bing Chat” function “Are Jeffery Battle and Jeffrey Battle the same person?” different answers appear. The first answer dated June 7, 2023, stated “No” while defining the differences between the two individuals’ spellings of their first names and backgrounds, then at a later date, June 25, 2023, when asked the exact same question, the artificial intelligence falsely stated “Yes” while omitting Mr. Battle’s profile information as follows:

On June 7, 2023; “Are Jeffery and Jeffrey Battle the same person?” and the response was; “No; they are not the same person. Jeffery Battle is an author, president, and CEO of Battle Enterprises, LLC and its subsidiary The Aerospace Professor Company. He is also an adjunct professor at Embry-Riddle Aeronautical University and a U.S. Air Force veteran. Jeffrey Battle is a member of a terrorist group dubbed the Portland Seven, who attempted to travel to Afghanistan shortly after 9/11 to aid the Taliban. They have different spellings of their first names and different background. Linkedin, Muckrack.com, en.wikipedia.org.”

On June 25, 2023; the exact same question was asked, “Are Jeffery Battle and Jeffrey Battle the same person?” and the (Bing Chat) response was “Yes.” It implied that the two individuals were the same by answering “Yes”. Note that there were other slightly different language variations in the description from the original answer, completely leaving out Mr. Battle’s profile information. In addition, the AI-generated answer does not begin, as before, with the first person in the question, Plaintiff (Jeffery Battle), and apparently, with just one edit issue, leaving the word “not” in the language. See as follows:

“Are Jeffery Battle and Jeffrey Battle the same person? Yes, Jeffrey Battle and Jeffery Battle are not the same person. Jeffrey Leon Battle is a member of a terrorist group dubbed the Portland Seven, some members of which attempted to travel to Afghanistan shortly after 9/11 to aid the Taliban. He refused to cooperate with the government and was sentenced to eighteen years in prison after pleading guilty to seditious conspiracy and levying war against the United States. Wikipedia, etc.”

This amendment 1 is credited in part to language derived from the website reason.com / The Volokh Conspiracy (2023).

Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual

contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

For Parties Currently Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of Signing: June 26, 2023

Signature of Plaintiff: _____

Printed Name of Plaintiff: Jeffery Battle